

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

*o/m*

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NOT FOR PUBLICATION

RAFAEL SEGURA,

Plaintiff,

-against-

**TRANSFER ORDER**

Correction Officer MATT, Shield #6474,  
Manhattan Detention Center, being sued in  
his individual and official capacity,

10-CV-1417 (BMC) (LB)

Defendant.

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COGAN, District Judge.

On March 10, 2010, plaintiff Rafael Segura, who is currently detained at York County Prison in Pennsylvania, filed this *pro se* action pursuant to 42 U.S.C. § 1983 alleging that Correction Officer Matt violated his civil rights.

Pursuant to the venue provision governing federal question jurisdiction, this action must be filed in the judicial district where defendant resides or where a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). Although defendant Matt's residence is not alleged in the complaint, plaintiff has pled that the events giving rise to his claim occurred at the Manhattan Detention Center in New York County. Plaintiff does not assert that any of the events alleged occurred within the Eastern District of New York.

Accordingly, this case is hereby transferred to the United States District Court for the Southern District of New York. See 28 U.S.C. §§ 112(b); 1406(a) (district court may transfer a case filed in the wrong district to any district in which it could have been brought). A ruling on plaintiff's application to proceed *in forma pauperis* and enforcement of the Prison Litigation Reform Act is reserved for the transferee Court. That provision of Rule 83.1 of the Local Rules

of the Eastern District of New York which requires a five-day delay is waived. A summons shall not issue from this Court.

**SO ORDERED.**

/Signed by Judge Brian M. Cogan/

U.S.D.J.

Dated: Brooklyn, New York  
April 1, 2010